

REMARKS

Reconsideration of the present application as amended is respectfully requested.

In the Final Office Action, claim 1 was rejected under 35 U.S.C. §112, second paragraph as being indefinite. In response, claim 1 has been amended to overcome the informalities noted by the Examiner. It is respectfully submitted that this rejection of claim 1 under 35 U.S.C. §112, second paragraph, has been overcome and an indication as such is respectfully requested. Further, claims 2-6, 8-11, 13-17 and 19-24 have been for conformance with amended independent claims 1 and 12, which includes removal of any amendments made thereto in the Amendment mailed on May 9, 2005 to substantially revert back to the original claims.

The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claims 1, 5-6, 8-10, 12, 16-17, 19-21 and 23-24 were rejected under 35 U.S.C. §102(e) as being

anticipated by U.S. Patent No. 6,493,744 (Emens). Further, claims 2-4 and 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emens in view of U.S. Patent No. 5,832,212 (Cragun). In addition, claims 7 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emens in view of "Identifying Nude Pictures" (Forsyth). Moreover, claims 11 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Emens in view of "WorldLink Announces New Product for Broadcasting Audio and Video" (PR Newswire). In response, independent claims 1, 12 and 23-24 have been amended and new claims 25-26 have been added. It is respectfully submitted that claims 1-26 are patentable over Emens, Cragun, Forsyth and PR Newswire for at least the following reasons.

Emens is directed to automatic rating and filtering of data files for objectionable content which are blocked. As correctly noted by the Examiner in rejecting claims 3 and 14 (on page 6, item 21 of the Final Office Action), Emens does not teach or suggest "said user profile indicates categories of content that a user may access", as recited in claims 3 and 14. Cragun is cited in an attempt to remedy this deficiency in Emens.

Cragun is directed to censoring browser method and apparatus for Internet viewing. In particular, Cragun teaches on column 8,

lines 28-29, that one of the censor levels shown in FIG 8A as reference numeral 814, namely censor level "1" represents "do not censor".

It is respectfully submitted that Emens, Cragun, and combination thereof, do not teach or suggest:

wherein said analyzing step allows said access at least based on recognizing at least one person included in said predefined appropriate content (emphasis added),

as recited in independent claims 1, 12 and 23, and similarly recited in independent claim 24.

Forsyth and PR Newswire are cited to allegedly show features of dependent claims 7, 11, 18 and 22 and do not remedy this deficiency in Emens and Cragun.

Accordingly, it is respectfully submitted that independent claims 1, 12 and 23-24 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11, 13-22 and 25-26 should also be allowed at least based on their dependence from independent claims 1 and 12 as well as for the separately patentable elements contained in each of the dependent claims.


Claims 25-26 also contain patentable subject matter. Emens, Cragun, Forsyth and PR Newswire, alone or in combinations, do not

teach or suggest "wherein said at least one predefined appropriate content item includes at least one actor who appears in regular programming", as recited in claims 25-26.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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Enclosure: RCE Transmittal Form  
Authorization to charge credit card \$890 total (\$790  
for RCE filing fee and \$100 Excess Claim Fee  
beyond 24 already paid for (2 = 26-24))

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